

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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WASHINGTON, DC 20515-6115

Majority (202) 225-2927
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July 16, 2012

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Cliff Stearns
Chairman
Subcommittee on Oversight and Investigations
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Greg Walden
Chairman
Subcommittee on Communications and Technology
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Upton, Chairman Stearns, and Chairman Walden:

We are writing to request a hearing on consumer privacy concerns arising from recent reports that cell phone tracking is being widely used by law enforcement officials.

On April 1, 2012, the *New York Times* reported that law enforcement departments were paying mobile carriers to obtain information on subscribers, such as call records and locational data, and that cell phone tracking "has become a powerful and widely used surveillance tool for local police officials, with hundreds of departments, large and small, often using it aggressively

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with little or no court oversight.”¹ According to this report, “many [police] departments try to keep cell tracking secret . . . because of possible backlash from the public and legal problems.”²

In response to the press accounts, Rep. Markey sent letters to nine mobile carriers requesting information on law enforcement requests for subscriber information, including location tracking data, phone records, and text message records. On July 9, 2012, Rep. Markey released the responses to his letters on his website, noting that “in 2011, federal, state and local law enforcement agencies made more than 1.3 million requests of wireless carriers for the cell phone records of consumers.”³

Rep. Markey’s data show an increase in cellphone tracking. In 2011, AT&T received over 260,000 requests from law enforcement agencies for customers’ phone usage data – over double the amount of requests in 2007.⁴ Of those 260,000 requests, over 79,000 were exigent requests, which did not require a court order or subpoena before the information was provided.

Similarly, Verizon reported an annual 15% increase in law enforcement requests,⁵ while T-Mobile noted that the number of law enforcement requests “has risen dramatically in the last decade with an annual increase of approximately 12-16%.”⁶

The carriers’ responses also show that they are being compensated for providing this information to law enforcement agencies. Verizon charges to law enforcement ranged from \$50 to retrieve up to five days of stored text message content to \$1,825 for multiple wiretap switches.⁷ AT&T received more than \$8.2 million in 2011 for “collecting and submitting customer phone usage information to law enforcement.”⁸

¹ *Police Are Using Phone Tracking as a Routine Tool*, New York Times (Apr. 1, 2012).

² *Id.*

³ Rep. Edward J. Markey, *Law Enforcement Collecting Information on Millions of Americans from Mobile Phone Carriers* (July 9, 2012).

⁴ Letter from Mr. Timothy P. McKone, Executive Vice President, Federal Relations, AT&T, to Rep. Edward J. Markey (May 29, 2012).

⁵ Letter from Mr. William B. Peterson, General Counsel, Verizon, to Rep. Edward J. Markey (May 22, 2012).

⁶ Letter from Mr. Tony Russo, Vice President, Federal Legislative Affairs, T-Mobile, to Rep. Edward J. Markey (May 23, 2012).

⁷ Letter from Mr. William B. Peterson, General Counsel, Verizon, to Rep. Edward J. Markey (May 22, 2012).

⁸ Letter from Mr. Timothy P. McKone, Executive Vice President, Federal Relations, AT&T, to Rep. Edward J. Markey (May 29, 2012).

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The information provided by the wireless carriers raises concerns about law enforcement's use of cell phone tracking and what is being done to protect the privacy of consumers. In response to this newly released information, we ask that the Committee hold a hearing to examine whether consumer privacy is being adequately protected by law enforcement officials and wireless carriers.

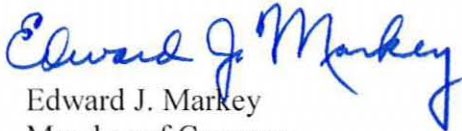
Sincerely,



Henry A. Waxman
Ranking Member



Diana DeGette
Ranking Member
Subcommittee on Oversight and
Investigations



Edward J. Markey
Member of Congress



Anna G. Eshoo
Ranking Member
Subcommittee on Communications and
Technology